

SAO 245B (Rev. 9/00) Judgment in a Criminal Case  
Sheet 1

FILED

UNITED STATES DISTRICT COURT JUN -2 AM 9:00

SOUTHERN DISTRICT OF CALIFORNIA CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

DARRYL EUGENE PETERSON (3)

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

Case Number: 10CR2792-WQH

CHARLES ADAIR, CJA

Defendant's Attorney

REGISTRATION NO. 21348298

☐

THE DEFENDANT:

☒

pleaded guilty to count(s)

1 OF THE SUPERSEDING INFORMATION

☐

was found guilty on count(s)

after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Count Number(s)</u>
18 USC 924 (c)	BRANDISHING A FIREARM IN RELATION TO A CRIME OF VIOLENCE	1s
18 USC 2	AIDING AND ABETTING	
18 USC 924 (d)	FORFEITURE	

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

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The defendant has been found not guilty on count(s)

☒

Count(s) Underlying indictment

is ☒ are ☐ dismissed on the motion of the United States.

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Assessment: \$100.00

☒

Fine waived

☒

Forfeited pursuant to order filed 1/4/11, included herein.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

MAY 31, 2011

Date of Imposition of Sentence

HON. WILLIAM Q. HAYES

UNITED STATES DISTRICT JUDGE

10CR2792-WQH

DEFENDANT: DARRYL EUGENE PETERSON (3)

CASE NUMBER: 10CR2792-WQH

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 54 months

- ☐ Sentence imposed pursuant to Title 8 USC Section 1326(b).
- ☒ The court makes the following recommendations to the Bureau of Prisons:  
That the defendant be designated to a facility in the Western Region

- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:  
☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_  
as notified by the United States Marshal.

- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:  
☐ \_\_\_\_\_  
☐ as notified by the United States Marshal.  
☐ as notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHALBy \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

10CR2792-WQH

DEFENDANT: DARRYL EUGENE PETERSON (3)

CASE NUMBER: 10CR2792-WQH

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of :  
5 years

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

*For offenses committed on or after September 13, 1994:*

The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court. Testing requirements will not exceed submission of more than 4 drug tests per month during the term of supervision, unless otherwise ordered by court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ☒ The defendant shall cooperate in the collection of a DNA sample from the defendant, pursuant to section 3 of the DNA Analysis Backing Elimination Act of 2000, pursuant to 18 USC sections 3563(a)(7) and 3583(d).
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution obligation, it is a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in this judgment.

The defendant must comply with the standard conditions that have been adopted by this court. The defendant shall also comply with any special conditions imposed.

**STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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DEFENDANT: DARRYL EUGENE PETERSON (3)  
CASE NUMBER: 10CR2792-WQH

### SPECIAL CONDITIONS OF SUPERVISION

- ☒ Submit person, residence, office or vehicle to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
- ☐ If deported, excluded, or allowed to voluntarily return to country of origin, not reenter the United States illegally and report to the probation officer with 24 hours of any reentry to the United States; supervision waived upon deportation, exclusion or voluntary departure.
- ☐ Not transport, harbor, or assist undocumented aliens.
- ☐ Not associate with undocumented aliens or alien smugglers.
- ☐ Not reenter the United States illegally.
- ☐ Not enter or reside in the Republic of Mexico without written permission of the Court or probation officer.
- ☐ Report all vehicles owned or operated, or in which you have an interest, to the probation officer.
- ☐ Not possess any narcotic drug or controlled substance without a lawful medical prescription.
- ☐ Not associate with known users of, smugglers of, or dealers in narcotics, controlled substances, or dangerous drugs in any form.
- ☐ Participate in a program of mental health treatment as directed by the probation officer, take all medications as prescribed by a psychiatrist/physician, and not discontinue any medication without permission. The Court authorizes the release of the presentence report and available psychological evaluations to the mental health provider, as approved by the probation officer. The defendant may be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.
- ☐ Take no medication containing a controlled substance without valid medical prescription, and provide proof of prescription to the probation officer, if directed.
- ☐ Participate in a mental health treatment program as directed by the probation office.
- ☐ Provide complete disclosure of personal and business financial records to the probation officer as requested.
- ☐ Be prohibited from opening checking accounts or incurring new credit charges or opening additional lines of credit without approval of the probation officer.
- ☐ Seek and maintain full time employment and/or schooling or a combination of both.
- ☒ Resolve all outstanding warrants within 60 days.
- ☐ Complete \_\_\_\_\_ hours of community service in a program approved by the probation officer within \_\_\_\_\_
- ☐ Reside in a Residential Reentry Center (RRC) as directed by the probation officer for a period of \_\_\_\_\_
- ☐ Reside in a Residential Reentry Center (RRC) as directed by the Bureau of Prisons for a period of \_\_\_\_\_ commencing upon release from imprisonment.
- ☐ Remain in your place of residence for a period of \_\_\_\_\_, except while working at verifiable employment, attending religious services or undergoing medical treatment.
- ☐ Not engage in any form of telemarketing, as defined in 18 USC 2325, without the written permission of the probation officer.
- ☐ Comply with the conditions of the Home Confinement Program for a period of \_\_\_\_\_ months and remain at your residence except for activities or employment as approved by the court or probation officer. Wear an electronic monitoring device and follow procedures specified by the probation officer. Pay the total cost of electronic monitoring services, or a portion if deemed appropriate by the probation officer.
- ☒ Participate in a program of drug or alcohol abuse treatment, including urinalysis testing and counseling, as directed by the probation officer. The defendant may be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.



The defendant shall pay restitution in the amount of \$11,745.12 unto the United States of America.

Pay restitution in the amount of \$11,745.12 to Citibank, 3777 Avocado Avenue, La Mesa CA 91942 jointly and severally with co-defendants, through the Clerk, U.S. District Court, payable forthwith or through the Inmate Financial Responsibility Program during incarceration with the remaining balance to be made following the defendant's release from prison.

The Court has determined that the defendant                 ' have the ability to pay interest. It is ordered that:

**The interest requirement is waived.**

The interest is modified as follows:

FILED

11 JAN -4 PM 3:15

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY:

*yfb* DEPUTYUNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARRYL EUGENE PETERSON (3),

Defendant.

Case No. 10cr2792-WQH

AMENDED ORDER OF  
CRIMINAL FORFEITURE

On October 29, 2010, this Court entered its Preliminary Order of Criminal Forfeiture, which condemned and forfeited to the United States all right, title and interest of DARRYL EUGENE PETERSON in the following property:

**One Ceska Zbrojovka pistol, serial number BX148.**

For thirty (30) consecutive days ending on December 1, 2010, the United States published on the Government's forfeiture website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of the Court's Order and the United States' intent to dispose of the property in such manner as the Attorney General may direct pursuant to 21 U.S.C. § 853(n) and Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, and further notifying all third parties of their right to petition the Court within thirty (30) days of the final publication for a hearing to adjudicate the validity of their alleged legal interest in the property.

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1 On November 1, 2010, Notice of Order of Forfeiture was sent by certified mail to the  
2 following third parties:

3	<u>Name and Address</u>	<u>Article No.</u>	<u>Result</u>
4	Carmen Colon	70081300000100676872	Delivered on 11/4/10, per USPS
5	3428 Valle Avenue		Track & Confirm
6	San Diego, CA 92113		
7	Harvis Rhadell Jones	70081300000100676889	Unclaimed per USPS Track &
8	225 Sunswept Street		Confirm
9	San Diego, Ca 92114		
10	Tamin Abdul-Samad	70081300000100676896	Delivered on 11/3/10, per USPS
11	c/o Alex L. Landon, Esq.		Track & Confirm
12	Law Offices of Alex L. Landon		
13	2442 Fourth Avenue		
14	San Diego, CA 92101-1609		
15	Mustafa Ahmad Naushad	70081300000100676902	Delivered on 11/3/10, per USPS
16	c/o Marc Xavier Carlos, Esq.		Track & Confirm
17	Barsley and Carlos, LLP		
18	424 F Street, Suite A		
19	San Diego, CA 92101-6118		

20 Thirty (30) days have passed following the final date of notice by publication, and notice  
21 by certified mail, and no third party has made a claim to or declared any interest in the forfeited  
22 property described above.

23 Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, as a result  
24 of the failure of any third party to come forward or file a petition for relief from forfeiture as  
25 provided by law, all right, title and interest of DARRYL EUGENE PETERSON, and any and all  
26 third parties in the following property is hereby condemned, forfeited and vested in the  
27 United States of America:

28 **One Ceska Zbrojovka pistol, serial number BX148.**

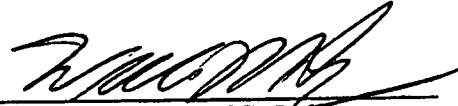
IT IS FURTHER ORDERED that costs incurred by the United States Marshals Service  
("USMS"), and any other governmental agencies which were incident to the seizure, custody and  
storage of the property be the first charge against the forfeited property.

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1 IT IS FURTHER ORDERED that the USMS dispose of the forfeited property according  
2 to law.

3 DATED:

4 1/4/11

5   
6 WILLIAM Q. HAYES, Judge  
7 United States District Court  
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